

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Inventor: RUST ET AL.)	
)	
Title: ROOFING SYSTEM AND SELF-)	
BRIDGING TAPE FOR MODULAR)	
BUILDING CONSTRUCTION ROOF)	
JOINTS)	
)	
Serial No. 10/701,153)	Examiner LAUX, JESSICA L.
)	
Filing Date: 11/03/2003)	Group Art Unit 3635

EXHIBIT A
TO
DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
OR IN A NAFTA OR WTO MEMBER COUNTRY
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131)

BY PAUL RAYMOND RUST

Brief Description: Fax communication dated March 7, 2002 from Kurt J. Fago to David Mercer of RPD, Inc, and hand-written return fax from Mercer to Fago (1 page).

2924 Wyeta Dr.
Beloit, WI 53511
800/786-1492

Mule-Hide Products

Fax

From To
For David Kurt Fago Fax 608-365-0336

Fax 812/888-0789

Pages: 2

Phone: 812/888-0780

Date: 3/7/2002

Re: Mate-Lines

CC:

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

David, I definitely will need more tapes. My warehouse in Beloit is running very low. The circled number is the priority in which I feel I will need them. I will call on Monday to follow up on the inventory.

Also, is there any way I can get a 5' piece of the 12" self-bridging material in both white and black that has 6"-8" of the scrim hanging out (not laminated) so we can get some good pictures for press releases and sell sheets? Let me know. Thanks a bunch, you guys are great people to work with.

Kurt,

I will UPS Those samples 3-11-02.

If you need them sooner, tell me. Also I received
An order this morning, order # 00032014. That order
can ship out 3-13-02, If that's a problem let
me know.

Thanks
David

FAXED
3-7-02
10:11

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EXHIBIT B
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TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131)
BY PAUL RAYMOND RUST

Brief Description: RPD, Inc. shipping order, dated 3/8/2002 (1 page).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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EXHIBIT C
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TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131)

BY PAUL RAYMOND RUST

Brief Description: RPD, Inc. "Lab Development" document, dated 3/8/2002 (1 page).

RPD, Inc.

Lab Development

New Product Mesh / Cover Rubber Sample midhide
Size: 12" wide Description Need 1 Each Blk - wht.
Substrate Code # RPD 29 Description Brown Poly 2 sides
Substrate Code # New Description Scrim (wetting) Plastic.
Substrate Code # 29RP4 Description EPDM Black
29RL6 EPDM White
Mtl # Description New Bridging Tapes

Samples Test Date 3/3/02 Results

Tested for Gap of 2"-3" Passes
NO Sag - Samples from David / for / midhide
New Scrim Tape. Polyethylene wetting

Samples Run Production Egypt.

To Be Used for Pictures also
Hand Scrim out of Ends - See
Raul for Details.

Dated: 3/8/2002 Lab Initials B Passed Testing ☒ Yes ☐ No

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Filing Date: 11/03/2003)	Group Art Unit 3635

EXHIBIT D
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TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131)

BY PAUL RAYMOND RUST

Brief Description: RPD, Inc. "Lab Development" document, dated 8/17/2001 (1 page).

RPD, Inc.

Lab Development

New Product White Couch Rubber with 4" mesh

Size: 12" Description White

Substrate Code # RPD29 Description Butyl

Substrate Code # Description

Substrate Code # Description

Mtl # NA Description NA

Samples Test Date 8/16/01 Results Production Run
of New Type Couch Tape with
mesh centered - 4" mesh centered

Tested B-4 shipping 8/17/01
Looks Great. Runs like Couch Rubber
By David & Neal.

Dated: 8/17/01 Lab Initials DN Passed Testing ☒ Yes ☐ No

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BY PAUL RAYMOND RUST

Brief Description: RPD, Inc. "Lab to Production Run" document, undated (1 page).

RPD, Inc.

Lab to Production Run

Required By: Research Part# None - new Size 12" x 65
Description Samples 1st Run Details 12" x 65' 2/500m
.036" thick Beugle - Cover tape substrate

Dated: _____ Lab Initials _____ Supervisor Initials SK Operator Initials _____ Packer Initials _____
1st Run Date N/A Line # N/A Speed N/A
No problem with Run - 1-65' of 1-50' Roll(s) for shipment
Build on paper / added Scrim / pressure applied EDDM Cover.

Comments: Run as easy as production cover tape

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EXHIBIT F
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TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131)

BY PAUL RAYMOND RUST

Brief Description: RPD, Inc. shipping order, dated 8/13/2001 (1 page).

Sample Order

Attn: Kirk Fago

Date: 8-13-01

Company: Kingtree


Send to: 2924 Wyetta Dr.
Beloit WS 53511

Ship to: Same

Ship Via: ups

FOB: Evansville

Delivery date: ground

Quantity	DESCRIPTION	ITEM NO.	UNIT
1	12" cover rubber -white cover with 4" mesh in center	RPD29	n/c
	lot # 208021		
	 1Z 468 1E4 03 1003 649 4		

Lissa Rust

Sent by

Paul Rust

Approved by

SPECIAL INSTRUCTIONS

RPD, Inc.

5248 Agri Ct Evansville IN 47725

812-868-0790 FX 868-0789

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No. 10/701,153)	Examiner LAUX, JESSICA L.
)	
Filing Date: 11/03/2003)	Group Art Unit 3635

EXHIBIT G
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TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131)

BY PAUL RAYMOND RUST

Brief Description: Letter from Naltex of Austin, Texas to Paul Rust, with a Naltex accompanying drawing dated 9/21/2001 (2 pages), and return fax of the drawing dated 9/21/2001.



Naltex

FAX FOR: Paul Rust
RPD Inc.

FROM: John W. Cearley

Re: Drawing

Dear Mr. Rust,

Thank you for your order. Before we manufacture the slit rolls, our Production Control and Quality Control ask that all customers have a drawing signed to go into your file. I have enclosed the drawing for your product with the specifications that you and I have discussed. If you would look over and sign the signature area, this would allow us to start on your product.

Thanks again,



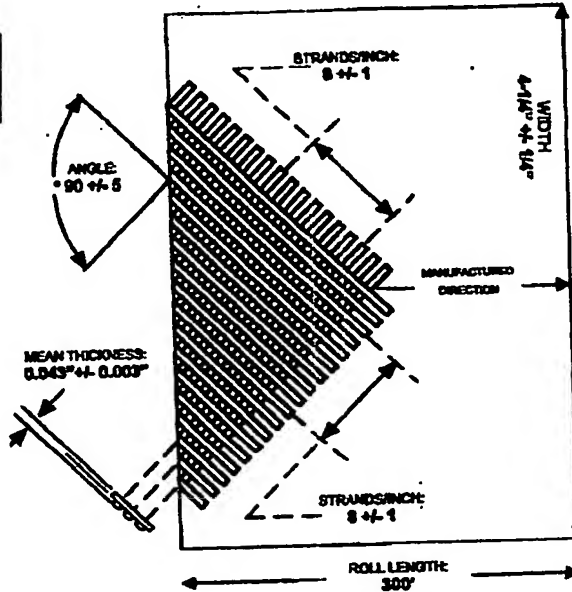
John W. Cearley
Sales Manager

220 East St. Elmo Road, Austin, Texas 78745-1218 USA • P.O. Box 40904, Austin, Texas 78704-0016
Toll-Free: (800) 531-5112 Tel: (512) 447-7000 Fax: (512) 447-7444

1. Material: 100% polypropylene.

2.

3.



Attention Customer: Please review this drawing and return a signed copy to Naltex. If the print requires any changes, please indicate required changes on the drawing. The signed copy of this print is our authorization to produce your order. Thank you.

[Signature] 9/21/01
Customer Approval Date

Are changes required? NO

NALTEX
220 EAST ST. ELMO, AUSTIN, TEXAS 78745-1218
PHONE: 512-447-1000 OR 800-631-5112 FAX: 512-447-2444

TITLE: Industrial Liner

TYPE: 621-673-71478	M30	RPD, Inc.	REV.
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DATE: 03/2/01	SHEET 1 OF 1
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ALL DIMENSIONS ARE APPROXIMATE AND ARE NOT TO BE CONSIDERED AS SPECIFICATIONS.

~~FILED~~ 9/21/01 & mailed

FAXED 9/24/01 Time 11:50 - re-faxed

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EXHIBIT H
TO
DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
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TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131)

BY PAUL RAYMOND RUST

Brief Description: Disclosure of the Invention dated March 25, 2002 (2 pages).

RPD, Inc.
5248 Agri Ct Evansville IN 47725

Elastomer & Adhesive Specialist
PH: 312-868-0790 FX: 668-0789
E-mail: rpalrpd@aol.com

March 25, 2002

Pam Mercness
Kingstree-Mulehide
2924 Wyetta Drive
Beloit WI 53512

Attn: Pam
608-365-7852 Faxed 3/26/02 Per Paul Rust

Abstract

A lamination of an elastomeric rubber adhesive re-enforced fully or partially with a structural membrane in addition with or without an additional rubber or plastic membrane that protects the re-enforced adhesive elastomer designed to bridge a construction joint or gap.

Past methods of bridging gaps in roofing or construction joints has been to use a re-enforced outer membrane or a separate membrane laid over the joint before the adhesive/protective membrane was applied. This prevented the sagging of the tape into the gap or joint.

Re-enforcement in the outer membrane produces stiff and non-conforming seals resulting in problems of poor sealing of the joint. This will produce high percentage of leaking joints.

The separate membrane used to bridge the joint poses the same problems as a re-enforced outer membrane with the added problem of requiring additional labor and material costs.

This invention addresses all of the problems while being cost effective during the manufacturing and application process.

Claim #1

A lamination composed of:

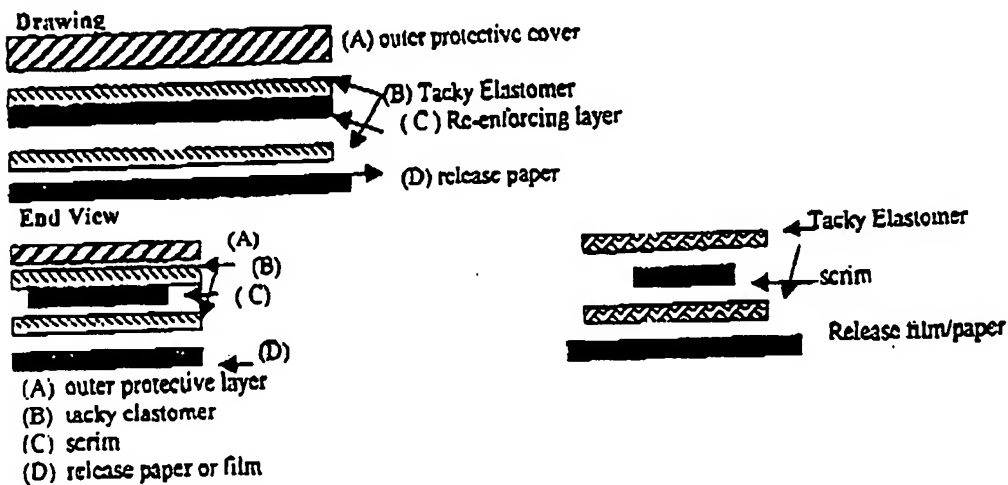
- (1) A tacky elastomeric adhesive tape consisting of one or more of the following elastomer: Butyl, EPDM, EPR, TPO, Neoprene, Polyisobutylene, Halogenated Butyl or Halogenated polyisobutylene reclaimed butyl or natural rubber.
- (2) A re-enforcing layer embedded in part or all of the tacky elastomeric adhesive tape to produce a self-bridging effect with in the adhesive composed of scrim embedded in the adhesive portion that is made of plastic, cloth, metal or other porous material.

Claim #2

- (1) A Tacky elastomeric composed of a cross-linked EPDM, Butyl or Halogenated Butyl, Polyisobutylene, Halogenate polyisobutylene or other cross-linked elastomer using an embedded re-enforcement in the tacky elastomer portion of cross-linked elastomers.
- (2) The cross-linked tacky elastomeric adhesive tape consisting of one or more of the following elastomers: Butyl, EPDM, EPR, TPO, Neoprene, Polyisobutylene, Halogenated Butyl, Halogenated Polyisobutylene reclaimed butyl or natural rubber with a non-tacky section added during production or after application.

Claim #3

The re-enforcing material may consist of but not limited to a plastic Scrim, an absorbent cloth, wire mesh or any material that will allow the tacky elastomer to penetrate or bond through reinforcing layer thereby producing a double sided adhesive tape.

**Summary of Invention**

To make an elastomeric seal on roofs, walls and concrete joints that allows bridging of imperfect fitting joints with or without sagging of the seal into the joint or gap. It also allows for a cost effective alternative to the present method of using two separate products to bridge or a re-enforced (with in the outer membrane) that does not conform as well with inherent edge lifting problems due to the stiff nature of the outer covers re-enforcement. This invention addresses the problems and reduces labor installation time while still maintaining the ease of cutting the membrane at a later time to disassemble the unit or inspect the joint.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Inventor: RUST ET AL.

Title: ROOFING SYSTEM AND SELF-
BRIDGING TAPE FOR MODULAR
BUILDING CONSTRUCTION ROOF
JOINTS

Serial No. 10/701,153

Filing Date: 11/03/2003



Examiner LAUX, JESSICA L.

Group Art Unit 3635

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RULE 132 DECLARATION (37 C.F.R. 1.132)

I, **Paul Raymond Rust**, a citizen of the United States of America, currently residing at 12247 Browning Street, Evansville, Indiana 47725, make this declaration to establish attribution of a document concerning the Invention in the above-identified Application that has been cited by the examiner; and in support thereof, declare as follows:

1. I, and Kurt J. Fago of South Beloit, Illinois (collectively "we" or "our"), are co-inventors of the Invention in the Application.

2. Prior to November 1, 2001, we conceived of and developed the Invention (the "self-bridging tape") as shown, described and claimed in the Application.

3. The commercial product that embodies the Invention is manufactured by RPD Inc. of Evansville, Indiana ("RPD"), and is sold by Mule-Hide Products, Inc. of Beloit, Wisconsin ("Mule-hide") under the name Self-Bridging Mate-Line tape.

4. Between about Aug. 1991 and May 2006, I was President and Research Director of RPD Inc. of Evansville, Indiana ("RPD"), where my duties included management and oversight of daily operations of RPD, and direct involvement in research and development. I am currently Chairman of the Board and Research Director.

5. This Declaration is submitted with
(a) a RULE 132 DECLARATION by Kurt J. Fago (the "Fago 132 Declaration"),
(b) a DECLARATION OF PRIOR INVENTION IN THE UNITED STATES OR IN
A NAFTA OR WTO MEMBER COUNTRY TO OVERCOME CITED PATENT OR
PUBLICATION (37 C.F.R. 1.131) by Kurt J. Fago (the "Fago 131 Declaration"), and
(c) a DECLARATION OF PRIOR INVENTION IN THE UNITED STATES OR IN
A NAFTA OR WTO MEMBER COUNTRY TO OVERCOME CITED PATENT OR
PUBLICATION (37 C.F.R. 1.131) by myself.

6. Attached hereto as Exhibit A is a copy of the reference document cited by the
examiner in the Notice of References Cited, accompanying the Office Action dated
02/28/2006, line "U", identified as "Mule-Hide Products, What's New News Release,
Mule-Hide Introduces Self-Bridging Mate-Line, 11/01/2001,
www.mulehide.com/news5.html" (the "reference document").

7. I swear and unequivocally state that the reference document attached as
Exhibit A discloses our invention, and the product identified therein is the self-bridging
tape embodied in a commercial product according to our invention.

8. I declare that all statements made herein of my own knowledge are true and
that all statements made on information and belief are believed to be true; and further
that these statements were made with the knowledge that willful false statements and
the like so made are punishable by fine or imprisonment, or both, under Section 1001
of Title 18 of the United States Code, and that such willful false statements may
jeopardize the validity of the Application and any patent issuing thereon.

Co-Inventor: Paul Raymond Rust

Inventor's Signature: 

Date: 19 December 2008

Signed at: Evansville, Indiana

Residence: 12247 Browning Street, Evansville, Indiana 47725

Citizenship: United States of America

Permanent Residency: United States of America

Post office Address: same as Residence above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Inventor: RUST ET AL.

Title: ROOFING SYSTEM AND SELF-BRIDGING TAPE FOR MODULAR BUILDING CONSTRUCTION ROOF JOINTS

Serial No. 10/701,153

Filing Date: 11/03/2003



Examiner LAUX, JESSICA L.

Group Art Unit 3635

EXHIBIT A
TO
RULE 132 DECLARATION (37 C.F.R. 1.132)

BY PAUL RAYMOND RUST

Brief Description: "Mule-Hide Products, What's New News Release, Mule-Hide Introduces Self-Bridging Mate-Line, 11/01/2001, www.mulehide.com/news5.html" (cited by the examiner in the Notice of References Cited, accompanying the Office Action dated 02/28/2006, line "U").



What's New

NEWS RELEASE FOR IMMEDIATE RELEASE

RELEASE DATE: 11/1/2001

CONTACT

Kate Baumann, Marketing Director
Mule-Hide Products Co., Inc.
1195 Prince Hall Dr.
Beloit, WI 53511-5481
608-361-6812
kate.baumann@mulehide.com

MULE-HIDE INTRODUCES SELF-BRIDGING MATE-LINE™

Mule-Hide Products Co. Inc., Beloit, Wisconsin, introduces Self-Bridging Mate-Line™. The company's exclusive design for a mate-line tape with built-in bridging material will save labor costs during setup and dismantling of multi-unit modular structures.

"Mule-Hide understands the special needs of multi-unit setups. We custom designed a Mule-Hide Mate-Line Bridging System that in recent years has enjoyed wide acceptance as the system of choice. This system employed two products, Mule-Hide Mate-Line Tape along with Bridging Material. Now we've developed this exclusive one-product system using Mule-Hide Self-Bridging Mate-Line. Setup crews quickly learn the system and dealers love its economical speed of installation and dismantling. Crews can expect up to 30 minutes less labor per installed mate-line versus traditional installation methods," explains Mule-Hide Modular Program Manager, Walt Griffin. "Mule-Hide Self-Bridging Mate-Line saves seven to ten percent on material costs and is available in black for black EPDM roofing systems and white for white EPDM roofing systems," states Griffin.

Mule-Hide professional roofing systems to fit modular structures are sold nationwide and in Canada at local distributors near modular plants and offices. Also available are accessories and retrofit materials, such as professional grade, Mule-Hide Elastomeric Acrylic Coatings for metal roof retrofit.



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